

A V I E W

OF THE

C O N S T I T U T I O N

OF THE

United States of America.

BY WILLIAM RAWLE, LL.D.

SECOND EDITION.

PHILADELPHIA:
PHILIP H. NICKLIN, LAW BOOKSELLER,
NO. 175, CHESTNUT STREET.

1829.

by a state legislature. But if in any blind pursuit of inordinate power, either should attempt it, this amendment may be appealed to as a restraint on both.

In most of the countries of Europe, this right does not seem to be denied, although it is allowed more or less sparingly, according to circumstances. In England, a country which boasts so much of its freedom, the right was secured to protestant subjects only, on the revolution of 1688; and it is cautiously described to be that of bearing arms for their defence, "suitable to their conditions, and as allowed by law."** An arbitrary code for the preservation of game in that country has long disgraced them. A very small proportion of the people being permitted to kill it, though for their own subsistence; a gun or other instrument, used for that purpose by an unqualified person, may be seized and forfeited. Blackstone, in whom we regret that we cannot always trace the expanded principles of rational liberty, observes however, on this subject, that the prevention of popular insurrections and resistance to government by disarming the people, is oftener meant than avowed, by the makers of forest and game laws.†

This right ought not, however, in any government, to be abused to the disturbance of the public peace.

An assemblage of persons with arms, for an unlawful purpose, is an indictable offence, and even the carrying of arms abroad by a single individual, attended with circumstances giving just reason to fear that he purposes to make an unlawful use of them, would be sufficient cause to require him to give surety of the peace. If he refused he would be liable to imprisonment.‡

No soldier shall in time of peace be quartered in any house without the consent of the owner, (here the restriction is general,)

* 1 Will. & Mary, c. 2.

† 2 Bl. 412.

‡ 3 Coke's Inst. 160. Hawkins, b. 1. c. 60.